



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 28 2019

Lt. Col. Jeffrey Palazzini
District Engineer
Attn: Tracy Dotolo Sanders
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Subject: SAC-2015-00012 (Charleston) Bulow County Park/ Long Savannah/Village Green Project

Lt. Col. Jeffrey Palazzini:

This is in response to your request for comments on the above referenced joint public notice (JPN). The applicants request a permit to discharge fill material into and excavate material from freshwater non-tidal wetlands associated with Rantowles and Church Creeks on a 3,172.6-acre project site located in the West Ashley area of Charleston, near the terminus of the Glenn McConnell Parkway at Bees Ferry Road northwest of Bees Ferry Road, spanning the area between Village Green Subdivision and Rantowles Creek in Charleston, Charleston County, South Carolina (Latitude: °35.844167 N, Longitude: - 80.113611°W), (Johns Island Quad). Proposed project impacts total 209.54 acres of wetlands. Wetlands in this area, the Ashley and Stono River drainage basins, have experienced significant cumulative impacts. Remaining wetlands such as those on the proposed project site are regionally important resources for plant and wildlife habitat as well as flood storage. The proposed project involves the discharge of fill material into 31.91 acres of wetlands for the construction of road crossings and utilities and the discharge of fill material into 105.92 acres of wetlands for the construction of residential, commercial and institutional buildings and associated support facilities. The project also involves the excavation of a total 71.71 acres of wetlands for the construction of stormwater management retention and detention facilities.

In January 2018, the Charleston District Corps of Engineers (District) issued a public notice (PN) for a similarly proposed project that would have had impacts to 275.85 acres of waters of the United States, including wetlands. The U.S. Environmental Protection Agency (EPA) Region 4 and other agencies provided comments on that proposal. In response to those comments and subsequent discussions, the applicant modified their proposal reducing proposed wetland impacts by 66.31 acres (24% reduction), to a total of 209.54 acres. EPA Region 4 has reviewed the current PN and the supporting information supplied by the applicant dated December 2018. Our comments on the proposed permit are provided below.

The EPA commends the applicant for extensive coordination on this project and for the additional avoidance of wetland impacts through the removal of a planned recreational lake and project reconfiguration. We also appreciate the applicant's responsiveness to concerns that the proposed mitigation was "preservation only" with the addition of hydrologic and vegetative enhancement activities.

Although impacts to wetlands have been reduced in the current proposal, we continue to be concerned about the current proposed impacts to a significant amount of important freshwater non-tidal wetlands. The applicant has stated that additional avoidance to wetland impacts is not feasible due to previous obligations and agreements and concerns about the financial viability of the project with a reduced project scope. In the context of a CWA § 404(b)(1) Guidelines (40 CFR Part 230) (Guidelines) evaluation, consideration of these limitations would constrain the analysis of alternatives as required in Section 230.10(a) of the Guidelines. It is important to note that limitations, such as the agreements among the parties and municipalities that were put into place before acquiring a 404-permit application should not dictate the analysis of the requirements of the Guidelines such as avoidance and minimization, alternatives analysis, and compensatory mitigation. The EPA continues to recommend additional avoidance, minimization, and the exploration of off-site alternatives.

Finally, although it may be premature to discuss mitigation until additional alternatives analysis, avoidance, and minimization has been explored, we have concerns about mitigation as it pertains to this proposed project.

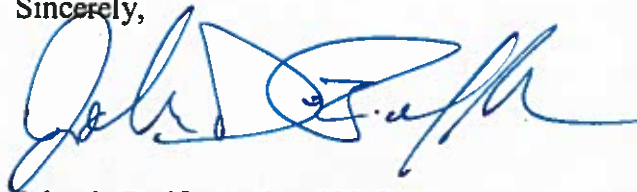
Although approximately 2,451.3 wetland mitigation credits for compensatory mitigation have been calculated to be required to offset impacts associated with the proposed project, the proposed mitigation would only address approximately 1764.8 wetland mitigation credits through preservation and habitat enhancement. This would result in a deficit of approximately 686.5 mitigation credits, which the applicant proposes to obtain in a phased approach by purchasing mitigation banking credits in the future. The plan for generating the 686.5 credit deficit is vague, only indicating that credits will be bought from an approved mitigation bank before associated impacts occur. The applicants indicate doing additional permittee responsible mitigation plan (PRM) work at this time would make the project financially unviable. However, complete mitigation costs should be considered in the entire project cost. We recommend the applicant continue to reduce impacts which will reduce the need for mitigation or continue to look for opportunities to generate the full amount of credits needed for the proposed impacts.

The EPA has reviewed the on-site permittee responsible mitigation plan PRM and we find it contains the appropriate elements of a complete mitigation plan. However, we recommend changes to the long-term management of the proposed mitigation. The long-term owner(s) and stewards of the mitigation property will be the applicant and although, the mitigation property owned by Charleston County Park and Recreation Commission (CCPRC) will continue to be owned and managed by CCPRC, the mitigation property owned by Long Savannah Land Company and HPH Properties is intended to be transferred to their respective Property Owners Association's (POA) for long term ownership and management. These activities should be undertaken by third party easement holders and long-term management funds should be put into place to ensure these tasks can be accomplished.

I want to reaffirm that the EPA supports the desire and needs for development in a responsible way that addresses the needs of the applicant and the public while safeguarding the regionally significant aquatic resources. We appreciated the opportunity we have had to work on this matter and we hope to continue working with the applicant and the Charleston District Corps of Engineers to develop a robust and defensible permit that meets the project purpose and objectives.

Thank you for considering these comments in your permit review and issuance process. If you have any questions, please contact Mr. Kelly Laycock at laycock.kelly@epa.gov or 404-562-9132 for more information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnnie Purify". The signature is stylized with a large, looping "J" and a long, sweeping "P".

Johnnie Purify, Acting Chief
Wetlands and Streams Regulatory Section
Commander, U.S. Public Health Service

cc: Travis Hughes - USACE - travis.g.hughes@usace.army.mil

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